

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Kevin D. Hall

v.

Civil No. 05-cv-381-JD

Cheshire County Department
of Corrections, Superintendent, et al.

REPORT AND RECOMMENDATION

Plaintiff has filed another request for injunctive relief. This request alleges that his current jailor, Albany County (New York) Jail has returned mail to the state court because of an unauthorized envelope, has refused to accept his pro se status, has refused to let him use envelopes provided to him by the Cheshire County House of Correction and/or by defense counsel in this case, has retaliated against him, has threatened to send out his legal materials and has denied him the means to respond to this court and defense counsel.

Plaintiff has been granted in forma pauperis and pro se status in this case. His jailor is without right to deny it. The problem, of course, is: (1) the Albany County Jail is not a party to this case; and (2) this court has no jurisdiction over it. The court cannot enjoin a non-party over whom it has no jurisdiction. A hearing is unnecessary. I recommend that the

motion (document no. 54) be denied.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: February 6, 2007

cc: Kevin D. Hall, pro se
John A. Curran, Esq.